

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Janice Biagioli, v.	Plaintiff	Docket No. 3:22-733 (JUDGE MALACHY E. MANNION)
LVNV Funding, LLC,	Defendant	FILED ELECTRONICALLY

CONSENT MOTION TO STAY CASE

1. Plaintiff initiated this action in state court.
2. Because this action involves a federal statute, Defendant removed the matter from state court to this Court.
3. However, recently, there is doubt cast on whether there is standing for a federal court to consider the claim brought by Plaintiff in this case. *See, e.g., Coulter v. AR Resources, Inc.*, 2023 WL 3182938 (M.D. Pa. May 1, 2023)(Wilson, J.).
4. The Third Circuit is currently considering whether there is standing for a nearly identical case in *Barclift v. Keystone Credit Services, LLC*, No. 22-1925 (3d Cir.). On March 30, 2023, the Third Circuit heard oral argument in *Barclift* and took that matter under advisement.
5. In order to preserve judicial and party resources, the parties believe that a stay in this matter would be beneficial until the Third Circuit has issued a decision in *Barclift*.
6. As noted above, the oral argument has already occurred in *Barclift*, and it is likely that a decision will be issued shortly.

WHEREFORE, the Plaintiff requests that the Court stay this matter until the Third Circuit has issued a decision in *Barclift*. Defendant consents to Plaintiff's request. The parties shall file a status report within 30 days after the *Barclift* decision to advise the Court that the stay should be lifted.

s/ Brett Freeman

Brett Freeman
Bar Number: PA 308834
FREEMAN LAW
210 Montage Mountain Road
Moosic, PA 18512
Attorney for Plaintiff
Phone (570) 589-0010
Fax (570) 456-5955
Email: brett@freeman.law

s/ Brendan Little (with consent)

Brendan H. Little
Bar Number PA 317322
Lippes Mathias LLP
50 Fountain Plaza, Suite 1700
Buffalo, NY 14202
Attorney for Defendant
Phone (716) 853-5100
Fax (716) 853-5199
Email: blittle@lippes.com